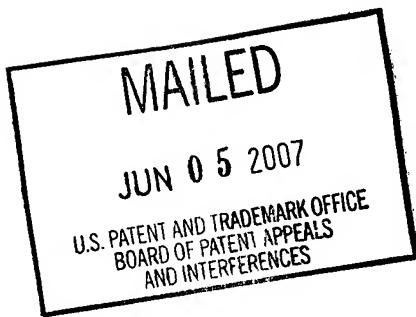


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte ARNAUD FLEGEO

Application 10/015,843
Technology Center 3600

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This Image File Wrapper (IFW) application was electronically received at the Board of Patent Appeals and Interferences on March 26, 2007. A review has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matter requiring attention prior to docketing is identified below.

Appeal Brief

Appellant filed an Appeal Brief which was received by the USPTO on November 8, 2005. The content furnished under the heading "**SUMMARY OF THE INVENTION**" (which should read --**SUMMARY OF THE CLAIMED SUBJECT MATTER**) is not commensurate in scope with 37 C.F.R. § 41.37(c)(1)(v) because there is no description of the subject matter defined in each of the independent and dependent claims involved in the appeal.

Examiner's Answer

An Examiner's Answer was February 14, 2006. In the Evidence Relied Upon section, page no. 3, paragraph 8, the Examiner has stated that "No evidence is relied upon by the [E]xaminer in the rejection of the claims under appeal." A review of the file reveals that references to Spakman 3,179,737, Jaeb 6,676,175, Napolitano 4,148,105, and Daly 4,979,636 were applied to the statement of rejections in the Grounds of Rejection, paragraph (9) of the Examiner's Answer. Before further review, the Examiner must mail a PTOL-90 that will include in the amended Evidence Relied Upon" section, the list of references mentioned in the statement of rejections. *See the Manual of Patent Examining Procedure, (MPEP) § 1207.02.* Appropriate correction is required.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- (1) hold the Appeal Brief filed November 8, 2005, defective;
- (2) to instruct Appellant to file a "paper" which fully complies with 37 C.F.R. § 41.37(c)(1)(v);

(3) to issue and mail a form PTOL-90, considering any "paper" filed by Appellant and providing for the record the references used to reject the claims in the Examiner's Answer; and

(4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

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PJN:hh

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